

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on February 20, 2017 at 8:00 AM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Seth Berglee, Vice Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Laurie Bishop (D)
Rep. Bob Brown (R)
Rep. Jennifer Eck (D)
Rep. Kathy Kelker (D)
Rep. Casey Knudsen (R)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. Shane A. Morigeau (D)
Rep. Dale Mortensen (R)
Rep. Zac Perry (D)
Rep. Matt Regier (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Barry Usher (R)
Rep. Kirk Wagoner (R)

Members Excused:

Rep. Bill Harris (R)
Rep. Ellie Hill Smith (D)

Members Absent: None

Staff Present: Sara Fleming, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 441, 2/14/2017; HB 467, 2/14/2017; HB 468, 2/14/2017; HB
494, 2/14/2017; HB 503, 2/14/2017;
Executive Action: HB 332, HB 438, HB 380, HB 417, HB 70

HEARING ON HB 441**Opening Statement by Sponsor:**

00:01:11 Rep. Dennis Lenz (R), HD 53, opened the hearing on HB 441, Generally revise human trafficking laws.

Proponents' Testimony:

00:06:39 Mike Foster, Montana Catholic Hospitals
00:08:05 Grace Manchala, Self
00:09:39 Abigail St. Lawrence, Montana Association of Christians
00:10:49 Roju Manchala, Self
00:15:01 Matt Brower, Montana Catholic Conference

Opponents' Testimony:

00:16:56 Casey Glumenthal, Montana Hospital Association (MHA)
00:18:51 Vicki Byrd, Montana Nurses Association (MNA)

[EXHIBIT\(juh37a01\)](#)

00:22:47 Perry Johnson, POST Council

[EXHIBIT\(juh37a02\)](#)

00:27:00 Dave Galt, Montana Sheriffs and Peace Officers Association (MSPOA)
00:28:14 Jerry Williams, Montana Police Protective Association (MPPA)
00:29:37 Mark Murphy, Montana Association of Chiefs of Police (MACOP)

Informational Testimony:

00:30:15 Glenn Stiner, Montana Police Academy

Questions from Committee Members and Responses:

00:30:58 Rep. Court
00:32:41 Rep. Lenz
00:33:17 Rep. C. Knudsen
00:33:59 Rep. Lenz
00:34:24 Rep. Usher
00:34:41 Rep. Lenz

Closing by Sponsor:

00:37:20 Rep. Lenz

HEARING ON HB 467**Opening Statement by Sponsor:**

00:41:15 Rep. Jeremy Trebas (R), HD 25, opened the hearing on HB 467, Revise standards of evidence in child abuse and neglect cases.

[EXHIBIT\(juh37a03\)](#)**[EXHIBIT\(juh37a04\)](#)****Proponents' Testimony:**

00:53:22 Keith Newmeyer, Self
00:55:44 Ray Newmeyer, Self

Opponents' Testimony:

00:56:27 Judge John Larson, Missoula County
00:58:25 Rep. Harris joined the meeting
00:59:00 Mark Murphy, Montana County Attorneys Association (MCAA)
01:01:03 Laura Smith, Department of Health and Human Services (DPHHS)
01:07:24 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence
(MCADSV)
01:07:47 Greg Dorrington, Montana Medical Association
01:08:02 Abigail St. Lawrence. Montana Association of Christians

Informational Testimony:

01:08:38 Matt Furlong, Montana Child Protection Advocacy Group
[EXHIBIT\(juh37a05\)](#)

Questions from Committee Members and Responses:

01:09:33 Rep. Eck
01:10:17 Rep. Trebas
01:12:14 Rep. Kelker
01:13:06 Rep. Trebas
01:15:07 Rep. McConnell
01:15:15 Rep. Trebas

Closing by Sponsor:

01:15:36 Rep. Trebas

HEARING ON HB 468**Opening Statement by Sponsor:**

01:17:30 Rep. Jeremy Trebas (R), HD 25, opened the hearing on HB 468, Generally
revise child abuse and neglect laws.

[EXHIBIT\(juh37a06\)](#)

[EXHIBIT\(juh37a07\)](#)

Proponents' Testimony:

01:27:19 Keith Newmeyer, Self

Opponents' Testimony:

01:30:13 Judge John Larson, Missoula County
01:31:54 Laura Smith, Department of Health and Human Services (DPHHS)
01:34:49 Abigail St. Lawrence, Montana Association of Christians
01:36:04 Mark Murphy, Montana County Attorneys Association (MCAA)
01:38:24 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence
(MCADSV)

Informational Testimony:

01:39:17 Matt Furlong, Montana Child Protection Advocacy Group

Questions from Committee Members and Responses:

01:40:38 Rep. Kelker
01:41:07 Judge John Larson, Missoula County

01:41:25 Rep. Harris
01:42:21 Judge John Larson, Missoula County
01:42:50 Rep. Harris
01:43:29 Chair Doane
01:43:35 Rep. Harris
01:44:48 Laura Smith, DPHHS
01:47:21 Rep. Manzella
01:47:57 Laura Smith, DPHHS
01:48:16 Rep. Usher
01:49:18 Laura Smith, DPHHS

Closing by Sponsor:

01:49:40 Rep. Trebas

01:53:21 Recess
01:59:23 Reconvene

HEARING ON HB 494

Opening Statement by Sponsor:

01:59:41 Rep. Seth Berglee (R), HD 58, opened the hearing on HB 494, Generally revise criminal laws.

Proponents' Testimony:

02:01:16 Gary Marbut, Montana Shooting Sports Association (MSSA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:06:15 Rep. Court
02:06:35 Rep. Berglee
02:08:23 Rep. B. Brown
02:08:40 Rep. Berglee

Closing by Sponsor:

02:08:50 Rep. Berglee

HEARING ON HB 503

Opening Statement by Sponsor:

02:13:17 Rep. Jean Price (D), HD 24, opened the hearing on HB 503, Require use of motorcycle helmet in operating motorcycle on public highways.

[EXHIBIT\(juh37a08\)](#)

Proponents' Testimony:

02:17:05 Shyla Patera, North Central Independent Living Services
02:21:45 George Northcut, Self

[EXHIBIT\(juh37a09\)](#)

02:26:19 Del Lonnquist, Self

[EXHIBIT\(juh37a10\)](#)

[EXHIBIT\(juh37a11\)](#)

02:31:29 Linda Darelus, Self

02:34:17 Greg Dorrington, Montana Medical Association (MMA)

Opponents' Testimony:

02:35:43 Ralph Elrod, Self

[EXHIBIT\(juh37a12\)](#)

02:42:16 Scott Mendenhall, Self

02:43:16 Audrey Mendenhall, Self

02:44:24 Dave Johnson, Self

[EXHIBIT\(juh37a13\)](#)

02:46:36 Carolyn Nistler, Self

[EXHIBIT\(juh37a14\)](#)

02:47:45 David Barcroft, Self

[EXHIBIT\(juh37a15\)](#)

02:50:50 Gene Mallette, Self

02:51:42 Jeff Wuerl, Self

02:52:44 Chuck Flynn, Self

02:55:25 Randy Baldwin, Self

[EXHIBIT\(juh37a16\)](#)

[EXHIBIT\(juh37a17\)](#)

02:57:09 Paul Schulte, Self

[EXHIBIT\(juh37a18\)](#)

02:57:32 Daryl Cheek, Self

02:57:51 Gordon Defendorf, Self

[EXHIBIT\(juh37a19\)](#)

02:58:26 James Beyer, Self

02:58:37 David Larson, Self

02:58:48 Quinn Vincent, Self

02:58:54 Steve Skinner, Self

02:59:05 Ken Didriksen , Self

02:59:21 Mike Howell, Self

02:59:29 Glen Lohse, Self

02:59:39 Patrick Koffman, Self

02:59:49 Steve Eickmuier, Self

02:59:59 John Palmer, Self

03:00:07 Brent Lytle, Self

03:00:17 Clay Hickman, Self

03:00:26 Gary Schiller, Self

03:00:38 Phillip Picco, Self

03:00:50 Jason Nitz, Defiance of Great Falls
03:01:05 Paul Cartisser, Self
03:01:16 Richard Roberts, Self
03:01:28 Mike Ortloff, Self
03:01:39 John Berry, Self
03:01:49 Douglas Bristow, Self
03:02:10 James Manolovitz, Self

Informational Testimony: None

Questions from Committee Members and Responses:

03:02:50 Rep. Sheldon-Galloway
03:04:32 Jason Nitz, Defiance of Great Falls
03:06:31 Rep. B. Brown
03:07:48 Rep. Price
03:08:29 Rep. Hill Smith joined the meeting
03:08:42 Rep. Manzella
03:09:26 Rep. Price
03:10:00 Jason Nitz, Defiance of Great Falls
03:10:28 Rep. Usher
03:11:50 Rep. Price

Closing by Sponsor:

03:13:36 Rep. Price

03:16:44 Recess
03:27:55 Reconvene

EXECUTIVE ACTION ON HB 332

Discussion:

03:28:28 Chair Doane
03:28:43 Helen Thigpen, Legislative Services Division (LSD)

03:29:00 **Motion:** Rep. Court moved that **HB 332 DO PASS.**

Discussion:

03:29:17 Rep. Eck
03:29:56 Rep. Court
03:30:43 Chair Doane

03:30:48 **Vote:** Motion carried 15-4 by roll call vote with Rep. Bishop, Rep. Eck, Rep. Hill Smith and Rep. Perry voting no. Rep. Berglee and Rep. Wagoner voted by proxy.

EXECUTIVE ACTION ON HB 438

Discussion:

03:32:11 Helen Thigpen, LSD

03:32:28 **Motion:** Rep. Court moved that **HB 438 DO PASS**.

Discussion:

03:32:44 Rep. Bishop
03:33:52 Rep. Harris
03:34:30 Rep. Court
03:35:46 Rep. Hill Smith
03:37:27 Rep. B. Brown
03:37:56 Rep. Harris
03:38:18 Rep. Hill Smith
03:40:43 Rep. Eck
03:42:25 Rep. Morigeau

03:43:55 **Vote:** Motion failed unanimously by roll call vote. Rep. Berglee and Rep. Wagoner voted by proxy.

03:45:03 **Motion:** Rep. Court moved that **HB 438 BE TABLED**. Motion was without objection.

EXECUTIVE ACTION ON HB 380

Discussion:

03:45:36 Helen Thigpen, LSD

03:46:00 **Motion:** Rep. Court moved that **HB 380 DO PASS**.

03:46:10 **Motion:** Rep. Court moved that **HB 380 BE AMENDED**.
[EXHIBIT\(juh37a20\)](#)

Discussion:

03:46:31 Helen Thigpen, LSD
03:46:46 Rep. Court

03:47:29 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee and Rep. Wagoner voted by proxy.

03:48:01 **Motion:** Rep. Court moved that **HB 380 DO PASS AS AMENDED**.

Discussion:

03:48:11 Rep. Bishop
03:49:33 Rep. Eck
03:50:58 Rep. Court

[EXHIBIT\(juh37a21\)](#)

03:53:57 Rep. Usher
03:56:12 Rep. Court
03:56:41 Rep. Mortensen

03:57:39 **Vote:** Motion failed 8-11 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting aye. Rep. Berglee and Rep. Wagoner voted by proxy.

03:58:54 **Motion:** Rep. B. Brown moved that **HB 380 BE TABLED**. Motion was without objection.

EXECUTIVE ACTION ON HB 417

Discussion:

03:59:24 Helen Thigpen, LSD

03:59:38 **Motion:** Rep. Court moved that **HB 417 DO PASS**.

Discussion:

03:59:56 Rep. Eck
04:01:14 Rep. Kelker
04:03:04 Rep. Court
04:04:31 Rep. Morigeau
04:06:38 Rep. Harris
04:08:11 Rep. Hill Smith
04:11:14 Rep. McConnell
04:12:33 Rep. Bishop
04:13:41 Rep. Manzella
04:14:19 Rep. Sheldon-Galloway
04:19:27 Rep. Eck
04:20:44 Rep. B. Brown

04:20:53 **Vote:** Motion failed 8-11 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting aye. Rep. Berglee and Rep. Wagoner voted by proxy.

04:22:10 **Motion/Vote:** Rep. Court moved that **HB 380 BE TABLED**. Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Berglee and Rep. Wagoner voted by proxy.

EXECUTIVE ACTION ON HB 70

Discussion:

04:24:00 Helen Thigpen, LSD

04:24:34 **Motion:** Rep. Court moved that **HB 70 DO PASS**.

04:25:10 **Motion:** Rep. Doane moved that **HB 70 BE AMENDED**.
[EXHIBIT\(juh37a22\)](#)

Discussion:

04:25:18 Helen Thigpen, LSD

- 04:25:50 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Berglee and Rep. Wagoner voted by proxy.
- 04:27:04 **Motion/Vote:** Rep. Berglee moved that **HB 70 DO PASS AS AMENDED**. Motion carried 11-8 by roll call vote with Rep. Berglee, Rep. B. Brown, Rep. Harris, Rep. C. Knudsen, Rep. Manzella, Rep. M. Regier, Rep. Sheldon-Galloway and Rep. Wagoner voting no. Rep. Berglee and Rep. Wagoner voted by proxy.

ADJOURNMENT

Adjournment: 04:28:59

Sara Fleming, Secretary

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Additional Documents:

EXHIBIT([juh37aad.pdf](#))